

Introduced by Senator Rosenthal

February 16, 1995

An act to amend Section 330 of the Penal Code, relating to gaming.

LEGISLATIVE COUNSEL'S DIGEST

SB 431, as introduced, Rosenthal. Gaming.

The California Constitution provides that the Legislature has no power to authorize, and shall prohibit, casinos of the type currently operating in Nevada and New Jersey.

Existing statutory law prohibits dealing, playing, carrying on, opening, causing to be opened, or conducting as an owner or employee, or betting on, any specified game, including, among others, faro, monte, roulette, rondo, tan, fan-tan, twenty-one, or specified banking or percentage games. A violation of any of these provisions is a misdemeanor, punishable by a fine of not less than \$100 or more than \$1,000, by imprisonment in a county jail not to exceed 6 months, or by both that fine and imprisonment.

This bill would exempt from the above-specified provisions of existing statutory law any banking game wherein the player or players pay the winning bettors and collect money from the losing bettors.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 330 of the Penal Code is
2 amended to read:

3 330. (a) Every person who deals, plays, or carries on,
4 opens, or causes to be opened, or who conducts, either as
5 owner or employee, whether for hire or not, any game of
6 faro, monte, roulette, lansquenet, rouge et noire, rondo,
7 tan, fan-tan, seven-and-a-half, twenty-one, hokey-pokey,
8 or any banking or percentage game played with cards,
9 dice, or any device, for money, checks, credit, or other
10 representative of value, and every person who plays or
11 bets at or against any of those prohibited games, is guilty
12 of a misdemeanor, ~~and shall be~~ punishable by a fine not
13 less than one hundred dollars (\$100) ~~nor~~ or more than one
14 thousand dollars (\$1,000), ~~or~~ by imprisonment in ~~the~~ a
15 county jail not ~~exceeding~~ *to exceed a period of* six months,
16 or by both ~~the~~ *that* fine and imprisonment.

17 (b) *Subdivision (a) does not apply to any banking*
18 *game described in that subdivision wherein the player or*
19 *players pay the winning bettors and collect money from*
20 *the losing bettors.*

